



June 22, 2004

The Honorable Michael K. Powell
Chairman
Federal Communications Commission
445 12th Street, S.W., Room 8-B201
Washington, D.C. 20554

Re: WT Docket No. 02-55

Dear Mr. Chairman:

On Tuesday, June 15th, I spoke with Michael Wilhelm of the Wireless Telecommunications Bureau, Public Safety and Critical Infrastructure Division, regarding the recent *ex parte* filings of Nextel in the above-referenced docket.

In addition to the spectrum already offered to the public safety community under the Consensus Plan, Nextel Communications (Nextel) recently proposed to relinquish another 2 MHz of spectrum at 816-817/861-862 MHz for the advancement of public safety communications. As discussed to Mr. Wilhelm, the Industrial Telecommunications Association (ITA) supports Nextel's offering.

The proposal seeks to enhance public safety's spectrum pool in one of two ways: (1) public safety licensees could relocate directly into the 816-817/861-862 MHz block; or (2) a SMR or Industrial/Business licensee currently operating below 816/861 MHz may be willing to exchange its existing spectrum authorization with a public safety entity or Nextel in the 2 MHz cellular block. Under the second scenario, SMR or Industrial/Business licensees expressing a desire to operate with a cellular architecture may find more suitable spectrum for future operations in the cellular block, while public safety licensees wishing to remain in the non-cellular block will receive further frequency separation from Nextel's operations and additional spectrum resulting from the voluntary departure of the private wireless licensee.

.../...

It is worth noting, however, that spectrum swaps with public safety licensees (or any other licensees for that matter) in the 816-817/861-862 MHz cellular block must be voluntary transactions. Mandating the relocation of SMR or Industrial/Business licensees into a cellular band would run contrary to the intent of the Consensus Plan that seeks to separate licensees with competing system architectures. Nevertheless, ITA believes this 2 MHz block could be a suitable home for SMR and Industrial/Business licensees seeking to operate in a cellular fashion either immediately or in years to come.

Therefore, ITA supports Nextel's supplementary offering of 2 MHz at 816-817/861-862 MHz and urges the Commission to incorporate this voluntary relocation spectrum into its pending Order. Should the Commission require further information from ITA in this matter, please do not hesitate to contact me.

Sincerely,

/s/ Laura L. Smith
Laura L. Smith
President/CEO

Cc: Commissioner Kathleen Q. Abernathy
Commissioner Jonathan S. Adelstein
Commissioner Michael J. Copps
Commissioner Kevin J. Martin